



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TOMONARI et al.

Atty. Ref.: 249-245

Appl. No. 10/053,576

Group: 2834

Filed: January 24, 2002

Examiner: T. Dougherty

For: SEMICONDUCTOR DEVICE

* * * * *

October 16, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION AND PRELIMINARY AMENDMENT

Responsive to the Official Action of September 17, 2003 and the requirement for restriction presented in it, and in order to place the above-identified application in better condition for examination, please amend the application as follows:

In response to the Office Action dated September 17, 2003, holding the subject matter of Group I (claims 36-60) to be patentably distinct from that of Group II (claims 61-63), or Group III (claims 64-68), Applicants hereby elect the invention of Group I (claims 36-60) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (*i.e.*, inter alia,

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nonobvious under 35 U.S.C. §103) from the elected group of claims, the Examiner is requested to ensure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.